

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON**

**ERIE INSURANCE PROPERTY
AND CASUALTY COMPANY,**

Plaintiff,

v.

**CIVIL ACTION NO.: 2:20-CV-00321
The Honorable Irene C. Berger, Judge**

JAMES SKYLAR COOPER,

Defendant.

FINAL ORDER

Came this day the parties to the above-styled action, by their counsel, whereupon the Court was advised that the parties have reached an agreement and resolution as to all remaining claims and issues pending before the Court. Specifically, the Court was advised that the parties have reached an agreement for the resolution of Defendant, Skylar Cooper's counterclaim for underinsured motorist benefits and claim for attorney fees, as well as any other contractual or extracontractual claims arising from the motor vehicle accident at issue in this lawsuit.

The Court was further advised the agreement and resolution reached by the parties expressly reserves the parties' right to appeal, should they choose to do so, any rulings made by this Court's January 28, 2021 Memorandum Opinion and Order (Document 22) concerning the declaratory relief sought by way of Erie Insurance Property & Casualty Company's Petition for Declaratory Judgment (Document 1) and James Skylar Cooper's Counterclaim for Declaratory Relief against Erie Insurance Property & Casualty Company (Document 6), as amended.

The Court, upon motion of the parties, does hereby **ORDER** as follows:

1. That the present action is hereby **DISMISSED** from the docket of the Court, inasmuch as the parties have resolved by agreement all claims remaining before the Court. All pending motions shall be **TERMINATED AS MOOT**.
2. The parties have reserved their rights to appeal, should they choose to do so, any rulings made by this Court's January 28, 2021 Memorandum Opinion and Order (Document 22).

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and to any unrepresented party.

ENTER: January 13, 2022



IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA

Submitted by:

/s/ Matthew J. Perry

Matthew J. Perry, Esquire, WVS #8589
Lamp Bartram Levy Trautwein & Perry, PLLC
P. O. Box 2488
Huntington, WV 25725-2488
(304) 523-5400
*Counsel for Erie Insurance Property
& Casualty Company*

/s/ R. Chad Duffield

R. Chad Duffield, Esquire, WVS #9583
Farmer Cline & Campbell, PLLC
P. O. Box 3842
Charleston, WV 25338
(304) 346-5990
Counsel for James Skylar Cooper